REMARKS

Reexamination and reconsideration of this application is requested. Claims 1-27 remain in the application. No new claims have been added or canceled.

Applicants believe there is no charge for this response because no new claims have been added.

Response to the 35 U.S.C. §102(b) Rejection

The Final Office Action rejects claims 1-27 under 35 U.S.C. §102(b) as being anticipated by Huang et al. (U.S. Patent 5,442,474). Applicants respectfully traverse this rejection in view of the remarks that follow.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Examiner has not succeeded in making a prima facie case.

Applicants begin with claim 1. Claim 1 specifically recites:

1. A method of routing a packet of binary digital signals through a network, said method comprising:

receiving at a switch in said network the packet of binary digital signals as encoded binary digital signals including a bit pattern chosen so that when the bit pattern is encoded it directly provides information regarding routing the packet through the network in its encoded form; and

copying said bit pattern, at least for decoding.

It is respectfully asserted that a prima facie showing has not be established because Huang et al. fails to meet either expressly or inherently the limitation that the encoded binary digital signals "directly provides information regarding the packet through the network."

According to the Final Office Action, Huang et al. teaches a switch (500) that receives a packet (packet frame, figure 2) of binary signals that include a bit pattern (header bits) the directly provide information regarding the routing the

packet through the network. However, Applicants respectfully submit that the Office Action has improperly characterized the function of the header bits in view of the language recited in Applicants' claim 1, and consequently, has failed to establish a prima facie showing of anticipation.

According to the Final Office Action the header bits appear at the beginning of the packet which is in front of the routing bits; implying that detection of the header bits means that the routing bits will follow. (see Final Office Action page 2). Using this as its basis, the Final Office Action then goes on to conclude that "... the header bits provide the information regarding where/when the routing bits are supposed to appear/arrive" and that the routing bits are used to route the packet through the network.

However, Applicants respectfully point out that the conclusion made in the Final Office Action fails to address the term "directly" as recited in claim 1. Claim 1 recites, among other things, that "when the bit pattern is encoded it directly provides information regarding routing the packet through the network in its encoded form." (emphasis added)

Even the Final Office Action admits that the header bits described in Huang et al. do not themselves contain the information used to route the packet. Instead, the header bits taught in Huang et al. only indicate the start of the routing bits. Thus, the header bits cannot directly provide information on how to route the packet through the network. Huang et al. teaches at column 4, lines 11-59, that Sagnac gates 141 and 142 are used to detect the unique header bit pattern H1 and H2 (shown in FIG. 2). Sagnac gate 141 is used to detect the occurrence of header bit H1 and then enable Sagnac switch 142 to detect the second header bit, H2. Header bits H1 and H2 are used to indicate the beginning of a data stream. Thus, header bits H1 and H2 do not contain any information, encoded or otherwise, that designates where the data is to be routed. Header bits H1 and H2 are merely used to indicate the beginning of a frame of data. Consequently, because information explaining how to route the packet is contained elsewhere, the header bits cannot provide this information directly.

Consequently, the assertion in the Final Office Action that Huang et al. discloses the use of header bits to directly provide routing information is incorrect. Accordingly, the Final Office Action has failed to establish a prima facie showing of how Huang et al. anticipates every element and limitation of Applicants' claim 1. Therefore, Applicants respectfully traverse the rejection. Since claims 2-9 depend

from independent claim 1, they are not anticipated by Huang et al. for at least the same reason.

With regard to independent claims 10, 17, 22, and 25, Applicants would like to kindly point out that each independent claim also recites, among other things, "... that when the bit pattern is encoded it directly provides information regarding routing of the packet... ." As pointed out above, the header bits disclosed by Huang et al. do not contain any information regarding the routing of the packet as suggested by the Office Action. Accordingly, the Final Office Action has failed to establish a prima facie showing of anticipation for claims 10, 17, 22, and 25. Since claims 11-16, 18-21, 23-34, and 26-27 depend from claim 10, 17, 22, and 25, respectively, they are not anticipated for at least the same reason.

Additional arguments to distinguish the cited patent from claims 1-27 could have been made, but it is believed that the foregoing discussion is sufficient to overcome the Examiner's rejection.

Conclusion

The foregoing is submitted as a full and complete response to the Final Office Action mailed May 2, 2001, and it is submitted that claims 1-27 are in condition for allowance. Reconsideration of the rejection is requested.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 554-9732 is respectfully solicited.

Respectfully submitted,

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